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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,568	12/04/2000	Tomoshi Hirayama	SONY-U0595	4463
22850	7590	03/22/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BATES, KEVIN T	
			ART UNIT	PAPER NUMBER
			2155	
DATE MAILED: 03/22/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/729,568	Applicant(s) HIRAYAMA ET AL.	
	Examiner Kevin Bates	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This Office Action is in response to a communication made on December 13, 2005.

Claims 1 and 3 have been amended.

Claim 4 has been cancelled

Claims 5-13 have been withdrawn.

Claims 1-3 are pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Stefik (5634012).

Regarding claim 1, Stefik teaches an information processing apparatus comprising:

acquiring means for acquiring information contents over a network (Column 7, lines 5 – 13);

reproducing means that includes:

a communication unit configured to exchange information with other devices over the network (Column 7, lines 13 – 16);

a content storage unit configured to store content data received by the communication unit (Column 14, lines 29 – 35);

a reproduction unit configured to reproduce content held in the content storage unit (Column 7, lines 13 – 21; Column 35, lines 59 – 64);

a reproduction detection unit configured to detect reproduction of contents and its reproduction data by the reproduction unit and outputs relevant information;

a reproduction location detection unit configured to detect where the reproducing means is located at the time of content reproduction (Column 13, lines 51 – 58);

a supplementary information storage unit configured to store a supplementary information attached to the content data (Column 11, lines 31 – 55); and

a reproduction information generation unit configured to generate reproduction information based on supplementary information from the supplementary information storage unit, reproduction detection information from the reproduction detection unit, and reproduction location information from the reproduction location detection unit, wherein (Column 7, lines 15 – 33)

the communicating unit transmits the output of the reproduction information generation unit over said network to another information processing apparatus (Column 7, lines 33 – 37) counting the number of times said information contents have been reproduced by said reproducing means (Column 22, lines 2 – 16).

Regarding claim 2, Stefik teaches an information processing apparatus according to claim 1, wherein said information contents include audio-visual information (Column 6, lines 38 – 41).

Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for allowance is that the examiner has found that the prior art on record does not teach or suggest or render obvious an information processing apparatus for using reported information about reproductions made to content to determine a pricing index. More specifically the prior art does not teach a system for reporting the number of times a content item has been copied and using that information in a ratio with the number of times the information has been downloaded to create a pricing index for the content. These differences between the prior art and the application is present in claim 3 and if joined with claim 1, would be allowable over the prior art.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 5835899 issued to Rose, because it discloses reporting content usage for billing purposes.

U. S. Patent No. 5920861 issued to Hall, because it discloses supplemental information for controlling the usage of content information.

U. S. Patent No. 5870543 issued to Ronning, because it discloses preventing unauthorized reproducing for information.

U. S. Patent No. 6073123 issued to Staley, because it discloses detecting content being copied.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB
March 16, 2006


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER